



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2016-005441F

June 19, 2017

Mr. Joseph Trevithick
1420 West Abingdon Drive, #319
Alexandria, VA 22314

SUBJECT: YOUR FREEDOM OF INFORMATION ACT CASE DON-NAVY 2016-005441

Dear Mr. Trevithick:

This is a final response to your April 14, 2016, Freedom of Information Act (FOIA) request seeking information related to the Anti-Torpedo Torpedo Industry Day associated with N00024-16-R-6237.

A thorough search of this Headquarters files was conducted, specifically those files located in the Contracts Directorate (SEA 02) and the Program Executive Office Submarines (PEO SUBS). Knowledgeable personnel with that office were able to locate the nine documents as responsive to your request.

I considered your request under the FOIA, 5 U.S.C. 552, as amended, and Secretary of the Navy Instruction 5720.42F. After careful review of those documents, I determined that three of the nine documents are prohibited from release in their entirety under FOIA exemption (b)(3) and that some portions of the remaining six documents are also exempt under FOIA exemptions (b)(3), (b)(5) and (b)(6).

FOIA exemption (b)(3) requires the withholding of information prohibited from disclosure by another statute provided that the statute "(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue or (B) establishes a particular criteria for withholding or refers to particular types of matters to be withheld."

10 U.S.C. 130 and the Department of Defense (DoD) implementing directive, DoD Directive 5230.25, prohibit the disclosure of technical data with military or space application in the possession of, or under the control of, the Department of

Defense, if such data may not be exported lawfully outside the United States with an approval, authorization, or license under the Arms Export Control Act. 10 U.S.C. § 130 is an exemption 3 statute.

Further, some portions of the requested documents contain information which is covered by FOIA exemption (b)(5). Exemption 5 protects pre-decisional and deliberative process information this type of information, the disclosure of which would be detrimental to the Navy's decision-making process by creating a chilling effect on the expression of candid opinions and inhibiting the free and frank exchange of information among agency personnel.

Finally, FOIA exemption (b)(6) prohibits disclosure of personal information when an individual's privacy interest in it outweighs any public interest. A copy of the releasable portions of those documents are attached at the enclosure.

I am the official responsible for this decision. You may submit a written administrative appeal of my decision. Should you decide to file an appeal, it must be received within 90 calendar days from the date of this letter and should contain a copy of your original requests, a copy of this letter, and a statement indicating why you think your appeal should be granted. Attach a copy of this letter to the appeal and mark the appeal and the envelope, "Freedom of Information Act Appeal." Mail the original to the Department of the Navy, Office of the General Counsel, Attn: FOIA APPEALS, 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Please mail a copy of the appeal to:

Commander
Naval Sea Systems Command (SEA 00A5)
1333 Isaac Hull Ave SE
Washington Navy Yard, DC 20376-1021

As an alternative to filing an appeal, you may seek Alternate Dispute Resolution (ADR). You may submit your request for ADR either to DONFOIA-PA@navy.mil or you can call the Navy FOIA Service Center at 202-685-0214 or via the following address:

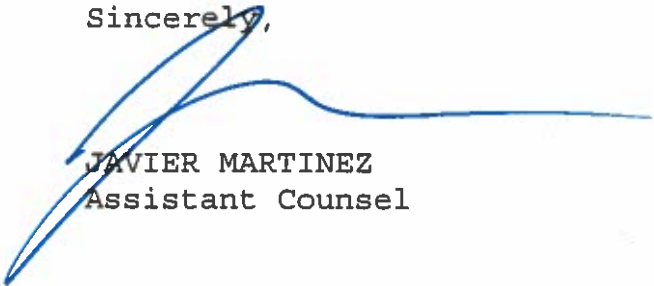
Chief of Naval Operations (DNS-36)
Attn: FOIA/PA Service Center
C/O - Head, SECNAV/CNO FOIA/PA Program Office
2000 Navy Pentagon
Washington, DC 20350-2000

If you have any questions concerning the processing of your request, please contact Ms. Ginger Dolan, at 202-781-3359. I am the official responsible for this decision. You may submit a written administrative appeal of my decision.

Fees for processing your request were below the threshold for requiring payment; however, fees are assessed on a case-by-case basis and you may be charged fees on future requests.

If you have any questions concerning the processing of your request, please contact Ms. Ginger Dolan, at 202-781-3359.

Sincerely,



JAVIER MARTINEZ
Assistant Counsel